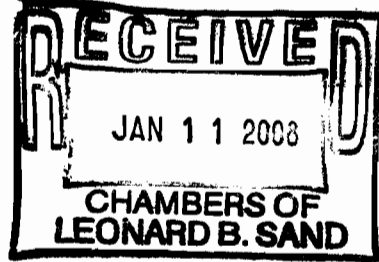


MEMO ENDORSED

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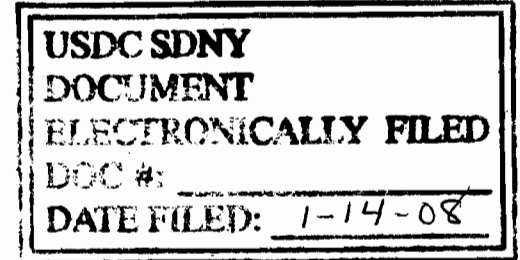
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January 10, 2008

**BY HAND**

Hon. Leonard B. Sand  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 1650  
New York, New York 10007



Re: Lorusso v. Alitalia Linee Aeree Italiane, SpA; 07 Civ. 3583 (LBS)(RLE)

Your Honor:

We represent defendant Alitalia Linee Aeree Italiane, SpA, in the above action and write in order to request an adjournment of the deadline for submitting a joint pretrial order (currently January 22, 2008) and of an upcoming pretrial conference (currently January 29, 2008), and in order to propose a deadline for the filing of dispositive motions (none currently exists). There has been no previous request for an adjournment of these dates. Counsel for the plaintiff, Ester Lorusso, partially joins in this request, as discussed below.

Discovery in this matter was scheduled for completion no later than January 8, 2008 by the Court's order of July 24, 2007. The case was then referred to Magistrate Judge Ellis for discovery, by Memorandum and Order dated August 10, 2007. Earlier this month, counsel agreed that discovery would be extended to January 31, 2008, for the limited purpose of accommodating plaintiff's depositions in New York of two overseas witnesses, and an Order to that effect (attached) was signed by Judge Ellis and entered on or around January 7.

Consequently, discovery will not have concluded by the dates on which the pretrial order is currently to be submitted and on which the parties are to attend a pretrial conference. Counsel for the plaintiff consents to twenty day adjournments of both dates, to February 11 and February 18, respectively. However, we believe that the scope of the issues to be addressed within the pretrial order will be substantially narrowed by the court's determination of any dispositive motions. We therefore propose that March 3, 2008 (30 days from the close of discovery) be established as the deadline for filing dispositive motions, that the deadline for submission of a joint pretrial order be adjourned to the twentieth day from the Court's determination of such

MEMO ENDORSED

*Adjournment to 2/11/08 & 2/18/08  
granted on consent. Dispositive motions may be  
filed by 3/3/08. Joint pretrial order to be filed by 3/17/08.*

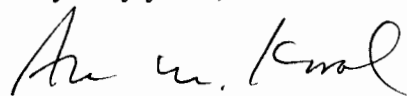
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Hon. Leonard B. Sand  
January 10, 2008  
Page 2

motion<sup>1</sup>, and that the pretrial conference be adjourned to a subsequent date convenient for the Court.

We thank the Court in advance for its consideration.

Very truly yours,



Alan M. Koral

cc: Hon. Ronald L. Ellis  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
Daniel P. Moynihan District Courthouse  
500 Pearl Street, Room 1970  
New York, New York 10007

Carrie R. Kurzon, Esq. (by e-mail)  
Robert W. Ottinger, Esq. (by e-mail)  
The Ottinger Firm, P.C.

Derek T. Smith, Esq. (by e-mail)  
Akin & Smith, LLC

**MEMO ENDORSED**

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<sup>1</sup> Barring any unanticipated testimony from the two witnesses whose depositions have yet to be taken, we anticipate bringing a motion for summary judgment with respect to all causes of action set forth in the Complaint in this matter.